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10 Attorneys for Defendant and Counterclaimant  
 11 PHILIPS LUMILEDS LIGHTING COMPANY, LLC

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 13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 OAKLAND DIVISION

17 EPISTAR CORPORATION,  
 18 Plaintiff,  
 19 v.  
 20 PHILIPS LUMILEDS LIGHTING  
 21 COMPANY, LLC,  
 22 Defendant.

23 AND RELATED COUNTERCLAIMS

24 Case No. C-07-5194 CW

**25 DECLARATION OF MICHAEL J. LYONS  
 26 IN SUPPORT OF REPLY IN SUPPORT OF  
 MOTION BY PHILIPS LUMILEDS  
 27 LIGHTING COMPANY, LLC FOR  
 SUMMARY JUDGMENT ON EPISTAR  
 28 CORPORATION'S CLAIM FOR BREACH  
 OF CONTRACT**

Date: August 7, 2008  
 Time: 2:00 p.m.  
 Location: Courtroom 2, 4th Floor  
 Judge: The Honorable Claudia Wilken

25 EXHIBITS A-L FILED UNDER SEAL

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1 I, Michael J. Lyons, hereby declare as follows:

2       1. I am an attorney duly licensed and admitted to practice before this Court and an  
 3 partner at the law firm of Morgan, Lewis & Bockius LLP. I am one of the attorneys for defendant  
 4 and counterclaimant Philips Lumileds Lighting Company, LLC ("Lumileds"), in the present  
 5 action. I have personal knowledge of the facts stated herein, and if called and sworn as a witness,  
 6 I could testify competently thereto. I make this declaration in support of Lumileds' reply in  
 7 support of its motion for judgment on the pleadings.

8       2. Attached hereto as Exhibit A is a true and correct copy of relevant portions of the  
 9 March 27, 2006 deposition transcript of C.C. Lu in the ITC's investigation *In the Matter of*  
 10 *Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No.  
 11 337-TA-556, which was admitted as Complainant's Exhibit CX 605C in that investigation. **This**  
 12 **exhibit contains confidential information, subject to protective order.**

13       3. Attached hereto as Exhibit B is a true and correct copy of a letter dated June 18,  
 14 2004 from Michael J. Lyons to Robert C. Weiss, including attachment. **This exhibit contains**  
 15 **confidential information, subject to protective order.**

16       4. Attached hereto as Exhibit C is a true and correct copy of emails dated April 26,  
 17 2004 from Andrew J. Wu to Lawrence R. LaPorte. **This exhibit contains confidential**  
 18 **information, subject to protective order.**

19       5. Attached hereto as Exhibit D is a true and correct copy of a letter dated June 22,  
 20 2004 from Andrew J. Wu to Lawrence R. LaPorte. **This exhibit contains confidential**  
 21 **information, subject to protective order.**

22       6. Attached hereto as Exhibit E is a true and correct copy of a letter dated June 24,  
 23 2004 from Robert C. Weiss to Michael J. Lyons, including attachment. **This exhibit contains**  
 24 **confidential information, subject to protective order.**

25       7. Attached hereto as Exhibit F is a true and correct copy of a letter dated June 23,  
 26 2004 from Lawrence R. LaPorte to Andrew J. Wu. **This exhibit contains confidential**  
 27 **information, subject to protective order.**

8. Attached hereto as Exhibit G is a true and correct copy of an email dated April 23, 2004 from Andrew J. Wu to Lawrence R. LaPorte, et. al., including attachment. ***This exhibit contains confidential information, subject to protective order.***

9. Attached hereto as Exhibit H is a true and correct copy of a letter dated April 30, 2004 from Robert C. Weiss to Andrew J. Wu. ***This exhibit contains confidential information, subject to protective order.***

10. Attached hereto as Exhibit I is a true and correct copy of a letter dated May 7, 2004 from Michael J. Lyons to Robert C. Weiss, including attachment. ***This exhibit contains confidential information, subject to protective order.***

11. Attached hereto as Exhibit J is a true and correct copy of a letter dated May 19, 2004 from Robert C. Weiss to Michael J. Lyons, including attachment. ***This exhibit contains confidential information, subject to protective order.***

12. Attached hereto as Exhibit K is a true and correct copy of a letter dated June 16, 2004 from Robert C. Weiss to Michael J. Lyons, including attachment. ***This exhibit contains confidential information, subject to protective order.***

13. Attached hereto as Exhibit L is a true and correct copy of Epistar Corporation's Responsive Claim Construction Brief filed with the Court on June 18, 2004. *This exhibit contains confidential information, subject to protective order.*

I declare under the penalty of perjury under the laws of California and the United States  
that the foregoing is true and correct. Executed this 24th day of July, 2008 in Palo Alto,  
California.

/s/  
Michael J. Lyons